



City of Freeport, Illinois

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MARTHA "MEG" E. ZURAVEL
CITY CLERK

STATE OF ILLINOIS)

ss.

COUNTY OF STEPHENSON)

CERTIFICATION OF PUBLICATION PAMPHLET FORM

I, Martha E. Zuravel, do hereby certify that I am the duly qualified and acting City Clerk of the City of Freeport, Stephenson County, Illinois, and that as such official I am the keeper of the records, minutes, and files of the Municipality and of the City Council.

I do further certify that on the 2nd day of September, 2014, the Corporate Authorities of such municipality passed and approved;

Ordinance No. 2014-39, An Ordinance To Create Chapter 1430 (Vacant Property) of the Codified Ordinances of the City of Freeport, Illinois

which provided by its terms that it should be published in pamphlet form.

I do further certify that on the 4th day of September, 2014, there was published in pamphlet form, by authority of the City Council, a true, correct, and complete copy of **Ordinance No. 2014-39** and said ordinance was so published and readily available for public inspection and distribution in the office of the Municipal Clerk.

I have hereunto set my hand and seal this 4th day of September 2014

Martha Zuravel
City Clerk

Seal

**CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS**

ORDINANCE NO. 2014-39

**AN ORDINANCE TO CREATE CHAPTER 1430 (VACANT PROPERTY)
OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF FREEPORT, ILLINOIS**

THIS 2nd DAY OF SEPTEMBER, 2014

**Published in pamphlet form by authority of the
City Council of the City of Freeport,
Stephenson County, Illinois, this
4th Day of September, 2014.**

**AN ORDINANCE TO CREATE CHAPTER 1430 (VACANT PROPERTY)
OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

**ORDINANCE NO. 2014-39
(September 2, 2014 version as amended on floor)**

WHEREAS, buildings that are indefinitely vacant, or vacant and in a state of disrepair, or boarded contribute to a decrease in surrounding property values, discourage investment in neighboring properties, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and City, and have other deleterious effects; and

WHEREAS, vacant buildings, especially those which remain boarded for more than three (3) months, are unsightly and diminish neighboring property values and neighbors' sense of wellbeing, and are a public nuisance; and

WHEREAS, allowing certain buildings to remain vacant indefinitely, even in the absence of code violations or boarding, is detrimental to the public health, safety, and welfare; interferes with the reasonable and lawful use and enjoyment of other premises within the neighborhood; may pose an extraordinary danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of the neighborhood; all of which effects are especially associated with such buildings that have been vacant for over two years; and

WHEREAS, registration of vacant properties and implementation of a maintenance plan for such properties will help identify safety and health issues with such properties, encourage property owners to properly maintain their properties, mitigate the appearances of blight in both commercial and residential areas ultimately ensure such properties are returned to productive use and/or made more attractive for occupation; and

WHEREAS, the City has the authority to regulate the maintenance of properties and buildings within the City in order to protect the public health, safety, and welfare of its citizens; and

WHEREAS, buildings that are indefinitely vacant or vacant and in a state of disrepair or boarded are public nuisances, and abatement of public nuisances pertain to the government and affairs of the City; and

WHEREAS, the City has statutory power to define, prevent, prohibit, and abate public nuisances pursuant to 65 ILCS 5/11-60-2 of the Illinois Municipal Code; and

WHEREAS, the "broken window" concept is that one broken window, left unrepaired, leads to more broken windows as the appearance is given that no one cares or protects the property; that the building becomes increasingly more deteriorated, and that the deterioration may have a ripple effect; and

WHEREAS, the City Council adopts the "broken window" concept among the rationales for this Ordinance;

WHEREAS, the prevention of nuisances caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the City and its residents; and

WHEREAS, amendment of the Municipal Code to provide for the declaration of certain boarded and/or vacant buildings as public nuisances and providing for their abatement is a means for the City to maintain sanitation and health standards, prevent crime, avoid fire, health, and safety hazards and minimize or eliminate the effect such buildings have on the personal and economic well-being of the neighborhood and the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section.

Section 2. A new Chapter 1430 of the City of Freeport Municipal Code shall hereafter be created and read as follows:

"CHAPTER 1430 - VACANT PROPERTY

1430.01 PURPOSE

The purpose of this chapter is to protect the public health, safety, and welfare by enactment of this chapter which:

- (a) Establishes a program for identification, registration, and regulation of buildings which are or become vacant on and after the effective date of this chapter; and
- (b) Seeks the expeditious repair, return to productive use, or demolition of vacant buildings; and
- (c) Determines the responsibilities of owners of vacant buildings in the expeditious repair, return to productive use, or demolition of their vacant buildings; and
- (d) Provides for the administration and enforcement of property regulations, including the prevention and abatement of public nuisances and imposition of penalties.

This chapter shall be construed liberally to effect its purposes.

1430.02 OTHER ORDINANCES

This chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than those provided herein, and in the event of conflict, the most restrictive shall apply.

1430.03 DEFINITIONS

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Boarded building means a building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components.

Building means any structure occupied or intended for supporting or sheltering any occupancy.

Dangerous building or structure means a building or structure defined as such under Chapter 1456 of this code, as now existing or hereafter amended.

Building Inspector means the Building Inspector of the Community Development Department or the Building Inspector's designee.

Owner means any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person includes a corporation, a partnership, or other entity as well as an individual.

Premises means a lot, plot, or parcel of land, including any structure thereon.

Public nuisance includes the following:

- (a) The physical condition, or use of any building, structure or premises regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code; or
- (b) Any physical condition, use or occupancy of any premises, structure, building or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, abandoned swimming pools, shafts, basements, excavations, and unsafe fences or structures; or
- (c) Any building which has unsanitary sewerage or plumbing facilities; or
- (d) Any building designated by the Building Commissioner/Community Development Director as unsafe for human habitation or use; or
- (e) Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure so as to endanger life, limb or property; or
- (f) Any building or premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (g) Any building or structure that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; unsecure; vacant and the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises; or
- (h) Any building or structure defined as a "dangerous building" hereinabove.

Unoccupied building means a building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Building Inspector pursuant to authority granted to him/her by this code. In determining whether a building is "unoccupied", the Building Inspector may consider these factors, among others:

- (a) A building at which substantially all lawful residential or business activity has ceased.
- (b) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.
- (c) The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- (d) The building lacks utility services, i.e., water, sewer, electric or natural gas.
- (e) The building is the subject of a foreclosure action.
- (f) The building is not actively for sale as part of a contractual agreement to sell the building, the building lacks "for sale", "for rent" or similar signage.
- (g) The presence or recurrence of uncorrected code violations.

Vacant building means a building or portion of a building which is:

- (a) An unoccupied building that is unsecured; or
- (b) An unoccupied that is secured by boarding or other similar means; or
- (c) An unoccupied building that is dangerous to the health, safety and welfare of firefighters, police officers, other officials, or the surrounding neighborhood; or
- (d) An unoccupied building condemned by the Building Inspector pursuant to applicable provisions of this code and the City Building Code; or
- (e) An unoccupied building with multiple code violations; or
- (f) An unoccupied building or its premises which has been the site of unlawful activity within the previous six (6) months; or
- (g) A building condemned by the Building Inspector and unlawfully occupied; or
- (h) A structure which has been an unoccupied building for over one hundred eighty (180) days and during which time the Building Inspector has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or
- (j) A structure which has been an unoccupied building for over two (2) years and for which the property taxes have been unpaid for a period of at least two (2) years.

But not including:

- a. Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, or for which construction, renovation or rehabilitation is proceeding diligently to completion under a specific plan;
- b. Buildings which are unoccupied on a seasonal basis, but otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations;
- c. Buildings which are actively for sale or for rent, which display "for sale" or "for rent" signs, and are otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations; or
- d. Buildings which are the subject of a probate action, action to quiet title, or other ownership dispute and are otherwise secure and which are in compliance with all applicable ordinances, codes, legislation, and regulations.
- e. Buildings that are the subject of a public legislative process to determine their suitability for re-occupancy or rehabilitation for future public or private use.

1430.04 VACANT BUILDING DETERMINATION

(a) Within sixty (60) days after the effective date of this Chapter, and from time to time thereafter, or when brought to his or her attention, the Building Inspector shall evaluate any and all buildings in the City he or she believes to be unoccupied and make a determination for each as to whether the building is a "vacant building" within the meaning of this chapter. The determination shall be in writing and shall state the basis and findings for the determination. For buildings the Building Inspector determines to be "vacant buildings", s/he shall, within fourteen days (14) days of making that determination, send a Notice of Determination with the findings to the last taxpayer of record listed on the most recent Stephenson County tax roll. Said Notice of Determination shall be sent certified mail, return receipt requested. Failure of delivery shall not excuse a person from complying with this chapter. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Inspector shall maintain an affidavit of such mailing for each notice of determination sent.

(b) The Notice of Determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to Section 1430.06 and a notice of the owner's right to appeal the determination.

(c) The Building Inspector shall cause an inspection of the exterior and interior of all "vacant buildings" to determine compliance with City's property maintenance, building, health, water, sewer, and fire codes.

(c) The Notice of Determination shall set a tentative date and time for the code compliance inspection of the interior of the vacant building to determine the extent of compliance with City health and fire codes. After receipt of the Notice of Determination, if the owner does not appeal the determination, or after receipt of a denial of appeal, if the owner does appeal, the owner shall either confirm the tentative date for the inspection or shall request a reschedule for a new date and time for same, which shall be set by the Building Inspector within thirty (30) days of the date of the Determination. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection the City may apply to the Circuit Court of Stephenson County for an administrative search warrant to accomplish the inspection.

The Circuit Court of Stephenson County may consider any such matters as it deems relevant in its decision as to whether a warrant shall be issued.

1430.05 APPEAL OF BUILDING INSPECTOR'S DETERMINATION OF "VACANT BUILDINGS"

(a) An owner of a building determined by the Building Inspector to be a vacant building as provided for in this chapter may appeal that determination to the Building Commissioner. Such appeal shall be in writing and shall be filed with the Building Commissioner within thirty (30) days of the date of mailing of the Notice of Determination. The filing of an appeal stays the owner's obligation to register his or her building as required by Section 1430.06. The appeal shall contain a complete statement of the reasons the owner disputes the Building Inspector's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Building Commissioner shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the Building Inspector's written determination.

(b) The burden is upon the owner to present sufficient evidence to persuade the Building Commissioner that it is more likely than not that the subject building is not a "vacant building" within the meaning of this chapter.

(c) The Building Commissioner shall send written notice of his or her decision to the owner within twenty-one (21) days of his or her receipt of the appeal. The Building Commissioner may, but is not required to, seek additional information from the owner. The Building Commissioner may, upon written notice thereof to the owner, take no more than twenty-one (21) additional days to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.

(d) An owner who wishes to challenge applicability of this chapter to his/her building without the Building Inspector's determination having been made shall set forth specific facts to support nonapplicability in writing to the Building Inspector. In the event the Building Inspector determines that the subject building is a "vacant building," the owner shall have the right to appeal the Building Inspector's determination to the Building Commissioner as provided for herein.

1430.06 OWNER'S OBLIGATION TO REGISTER VACANT BUILDINGS

(a) The owner of a vacant building and a mortgage lender who acquires title to an unoccupied building shall be required to register same with the Building Inspector as prescribed below; and the owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this chapter after the effective date of this chapter, or the owner of a building which the Building Inspector determines at any time to be a "vacant building," or the owner of a building whose appeal from the Building Inspector's determination has been denied by the Building Commissioner, shall take the actions provided for in this Section 1430.06 within fifteen (15) days after either the date of Building Inspector's Notice of Determination or occurrence of the facts which would cause a reasonable person to believe that the building was a "vacant building," or denial of the appeal, whichever is applicable.

Registration Requirements:

(b) Register the building with the Building Inspector by December 1, 2014, on a form provided by the Building Inspector and pay the vacant building registration fee.

For residentially zoned buildings registered and inspected within thirty (30) days of the date which the building has been determined to be a "vacant building", the initial registration fee shall be \$25.00. For residentially zoned buildings registered and inspected after the initial thirty (30) days from the date which the building has been determined to be a "vacant building", the initial registration fee shall be \$50.00

For all other vacant buildings registered and inspected within thirty (30) days of the date which the building has been determined to be a "vacant building", the initial registration fee shall be \$225.00. For such buildings registered and inspected after the initial thirty (30) days from the date which the building has been determined to be a "vacant building", the initial registration fee shall be \$275.00

The renewal date for all vacant property registrations shall be May 1. The annual renewal fee shall be \$50.00 for residentially zoned buildings and \$200.00 for all other vacant buildings. Owners of buildings that have been determined to be vacant buildings on or after November 1 of any given year shall pay a pro-rated initial registration fee calculated based on the number of total or partial months remaining between the registration date and May 1 of the next year.

The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person twenty-one (21) years of age or older who maintains a permanent address in Stephenson County, Illinois to accept service on behalf of the owner with respect to any notices the Building Inspector sends pursuant to this chapter or service of process in any proceeding commenced to enforce any provision of this chapter, and file with the Building Inspector on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.

(ii) The form shall require the owner to indicate his or her "Acceptance of Notice by Posting" consenting to service of notices sent or required to be sent, pursuant to this chapter, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the Building Inspector the information required regarding the person designated to accept notice and service of process;

(b) The owner shall renew the vacant building registration each year on May 1 for the time the building remains vacant and pay the required annual fee; and file an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

(c) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this chapter, nor does it preclude any of the actions the City is authorized to take pursuant to this chapter or elsewhere in the City code.

(d) Inspection: The City shall conduct a comprehensive code compliance inspection of the exterior and interior of the vacant building. Such inspection will determine the extent of compliance with City property maintenance, building, health, water, sewer and fire codes and shall include, but not be limited to, the following:

1. Smoke detectors and any other fire detection or fire safety system, fixture or device.
2. Chimneys, or other exhaust or ventilation systems.
3. Railings, balusters and steps.
4. Water heaters, including related valves, gauges, exhaust or ventilation systems and location.
5. Furnaces and other heating systems, including their location.
6. Supplied facilities (gas, sewer and water) including inspection of all pipes, lines or conduits which carry supplied services within the building.
7. Electrical, including inspection of wiring, fuse boxes, circuit breakers, outlets or other electrical systems within the building.
8. Kitchen, including inspection of appliances.
9. Bathroom(s), including inspection of the toilet or lavatory and bathtub and/or shower.
10. Habitable rooms, including inspection of outlets, light fixtures and the use of extension cords and space heaters.
11. Exits or other modes of ingress and egress from the building.
12. Any other violation of this Code related to the health, safety and general welfare of the residents of the City.

The City shall send the inspection report to the owner within thirty (30) days of the inspection. Periodic re-inspections shall take place, as necessary, until code compliance is achieved. Should the vacant building come out of code compliance at any time, the Building Inspector shall make a written determination. The determination shall be in writing and shall state the factual basis for the determination. Following such determination, inspection, notices, and the appeals process shall be the same as provided in Section 1430.04. Timely code compliance is required.

(e) Vacant Building Plan: Following receipt of the inspection the owner shall submit a vacant building plan. The Building Inspector may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this chapter, the Building Inspector may determine the plan.

The plan shall contain the following as a minimum:

- (i) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Building Inspector and available from the Building Inspector. The owner shall maintain the

building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Building Inspector may waive the requirement of an enclosure.

(ii) For buildings and/or premises which are determined by the Building Inspector as being or containing public nuisances, as defined in Section 1430.03, then the vacant building/ premises plan shall contain a plan of action to remedy such public nuisance(s).

(iii) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Building Inspector.

(iv) If the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

(v) A plan of action to sustain the maintenance of the building, premises, and grounds thereof in conformance with this chapter and all other applicable city codes.

(vi) A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which fails to provide for compliance with this chapter or, which will not, as determined by the Building Inspector, achieve such compliance, within three (3) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code compliant building will be approved, except that the Building Inspector may approve an extension of the time during which the building will be unoccupied beyond two (2) years to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined by the Building Inspector.

(f) All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with the City code.

(g) Exterior lighting shall be maintained according to standards established by the Building Inspector and available from the Building Inspector.

(h) All ground floor windows facing street frontage, including but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Building Inspector, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a 1' x 1' clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window. Other window treatments may be allowed with the approval of the Building Commissioner.

1430.07 UNOCCUPIED BUILDINGS ACQUIRED THROUGH MORTGAGE FORECLOSURE

The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure or other legal action.

(a) Mortgage lenders, with the exception of Fannie Mae or Freddie Mac, shall register unoccupied buildings with the Building Inspector within 15 days of obtaining title to same.

(b) The registration obligation of mortgage lenders under Section 1430.06 shall be limited to providing the Building Inspector with the same information required under Section 1430.06(a) on the Registration form prescribed by the Building Inspector.

(c) Except as provided in subsection 1430.07(e) below, mortgage lenders shall not be responsible for paying the registration fee and shall not be required to comply with Subsections 1430.06(b) through (h).

(d) An amended registration form shall be filed in accordance with Section 1430.06(b) within 15 days of any change in the information provided in any registration form provided hereunder.

(e) If such unoccupied, registered building is later determined to have become a "vacant building" as defined in Section 1430.03, then such building and building owner shall be required to comply with all of the provisions of Section 1430.06.

1430.08 APPROVAL OF PLAN

(a) The Building Inspector shall review the proposed vacant building plan in accordance with the standards below. The Building Inspector shall send notice to the owner of the vacant building of his or her determination.

(b) In considering the appropriateness of a vacant building plan, the Building Inspector shall include the following in his or her consideration and shall make written findings as to each:

- (i) The purposes of this chapter and intent of the City Council to minimize the time a building is boarded or otherwise vacant.
- (ii) The effect of the building and the proposed plan on adjoining property.
- (iii) The length of time the building has been vacant.
- (iv) The presence of any public nuisances on the property.
- (v) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

1430.09 AUTHORITY TO MODIFY PLAN.

The Building Inspector shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this chapter he or she deems necessary to protect the public health, safety, or welfare.

1430.10 FAILURE TO COMPLY WITH PLAN

Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this chapter subjecting the owner of the building to penalties as provided in this chapter and to any remedies the City may avail itself of as provided for herein and elsewhere in the City code, including but not limited to, an action to compel correction of health or fire code violations.

1430.11 OTHER ENFORCEMENT

The registration of a vacant building shall not preclude action by the City to demolish or to take other action against the building pursuant to other provisions of this chapter, the City code, or other applicable legislation.

1430.12 CERTIFICATION

A Certificate of Compliance with this vacant buildings chapter issued by the Building Inspector and payment in full of all fees imposed pursuant to this chapter are required prior to any occupancy of a vacant building.

1430.13 TIME RESTRICTIONS-VACANT BUILDINGS

It is the policy of the City that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than three (3) months unless an extension of that time is part of a plan approved by the Building Inspector. A vacant building which is otherwise code compliant and secure as determined by the Building Inspector on the basis of police reports, citizen complaints, and other information considered reliable by reasonable persons, may not remain vacant for more than two (2) years and must have an approved plan for occupancy, sale, demolition, or other disposition of the building in place within the timeframes established in this chapter, except as otherwise provided for in Section 1430.06 hereinabove.

1430.14 MAINTENANCE AND SECURITY STANDARDS.

(a) Signage for Registered Nuisance Residential Buildings. Any nuisance residential building determined to be unsafe pursuant to Section 1430.06 of this Chapter and, at the sole discretion of the Chief of the Fire Department and/or his designee may be required to comply with the following signage requirements, at the owner's cost:

1. When so required by the City:

- i. Location. Placards shall be applied on the front of the structure and be visible from the street. Additional placards shall be applied to the side of each entrance to the structure at the discretion of the Chief of the Fire Department and/or his designee.
- ii. Placard size and color. Placards shall be 24 inches by 24 inches (610 mm by 610 mm) minimum in size with an orange background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) minimum stroke.
- iii. Placard date. Placards shall bear the date of their application to the building and the date of the most recent inspection.
- iv. Placard symbols required.

1. This symbol shall mean that structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.
2. This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit fire-fighting to exterior operations only, with entry only occurring for known life hazards.

(b) Drainage of water pipes and sprinkler systems and standpipes. Where nuisance residential buildings will not be heated during the winter months, From December 1st through March 31st,

property owners shall maintain water pipes and sprinkler systems and standpipes as dry systems to protect against freezing and bursting of pipes.

(c) This Section shall in no way prohibit, override, or in any other way inhibit the Chief of the Fire Department and/or his designate(s) from placarding a building in any way under the International Building Code or International Fire Code, or any other Federal, State, or local law, regulation, or policy, whether in addition to, or in conjunction with, signage under this section.

1430.15 ENFORCEMENT AND PENALTIES

(a) Failure to comply with the requirements of this Chapter will result in a violation being issued either through the Administrative Adjudication processes of the City or through a citation to appear in Court. There shall be a minimum fine of two-hundred fifty dollars (\$250.00) and a maximum fine of seven hundred and fifty dollars (\$750.00) per day for each violation hereunder.

(b) Nothing herein contained shall prohibit the City from immediately condemning as provided for in the City code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

1430.16 SEVERABILITY

In the event any section of this chapter or any part of any section of this chapter is declared to be unconstitutional, such decision shall in no way affect the operation of any other section or part thereof the remainder of this chapter shall remain in full force and effect."

Section 3. The City Clerk shall publish this ordinance in pamphlet form.

Section 4. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 5. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Chapter VII of the Illinois Constitution of 1970.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 7. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this 2nd
day of September, 2014.



Martha E. Zuravel, City Clerk

YEAS: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester, and Crutchfield (8)
NAYS: none
ABSTAIN: none
PRESENT: Eight Alderpersons (8)

APPROVED by the Mayor of the City of Freeport this 24th day of September, 2014.


James L. Gitz, Mayor

Date Published: September 4, 2014

Date Effective: September 15, 2014